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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,781	10/17/2001	Cisse W. Spragins	Rock-PFT-1	6688

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EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,781

Applicant(s)

SPRAGINS, CISSE W.

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/11/2004
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17,20,21,25,27,32,33,35,36,38,43-46,49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 25 is/are allowed.
- 6) ☐ Claim(s) 15-17,21,27,32,33,35,36,38,43-46,49 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Previous indication of allowable subject matter in claims 15-17. is withdrawn in light of the new art cited below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-17, 21, 27, 32, 33, 35, 36, 38, 44, 46, are rejected under 35 U.S.C. 102(b) as being anticipated by Clemons US4858374.

3. Regarding claims 15 and 27, Clemons discloses a cup 12; a base 42 wherein the cup 12 is insertable into the base opening; a cover 14 engagable in the base wherein the base 42 and the base cover includes a key 26 which is brought into the keyhole 28 by drawing the base and cover together, and wherein the key 26 is locked into the keyhole 28 by rotating the cover relative to the base.

4. Regarding claims 16 and 17 and 32, 33 35, , Clemons discloses that the cover 14 and the base 42 are shaped such that the key 26 must be flexed to be inserted into or withdrawn from the keyhole 28 (col 2, line 14 discloses the key 26 is a snap fit connection, requiring flexion to move the key 26).

5. Regarding claim 21, Clemons discloses a cup 12 selected from the group of paper or plastic cups, a base 42 wherein the cup 12 is insertable through the base opening and a network of lines 16 disposed in the cup.

6. Regarding claim 36, Clemons discloses a harborage for insects wherein the entrance also serves as an exit from the harborage; wherein the entrance is of an adjustable size and wherein the harborage further comprises a tip disposed adjacent the entrance and extending in a direction into the harborage such that the tip awaits an insect upon the insect's attempted exit (col 2, lines 45-56).

7. Regarding claim 38, Clemons discloses a harborage for insects whereing the harborage includes an entrance that also serves as an exit from the harborage; wherein the entrance is adjustable in size; and whereing the harborage further comprises a portion forming said entrance and another portion spaced from the entrance is of a relatively dark color to minimize transmission of light through the entrance, in that the material that the cup is made of will block or minimize the transmission of light through the entrance, and wherein another portion 30 transmits light.

8. Regarding claims 44 and 46 and 50, Clemons discloses is adaptable to be hung in position for flying insects 42.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 43, 45, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemons (US4858374).

11. Regarding claims 43 and 45 and 49, Clemons does not disclose that the station is adaptable to be set in the ground.

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the insect station in the ground in order to make it accessible to insects.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Snell et al. US6543182 ; Lund et al. US6474015 ; Simchonie et al. US6516559 ; Ball et al. US6546668 ; Ray US6550181 ; McCallum US6609329 ; Rollins US6631583 ; Bauer US6637149 ; Spiro et al. US6662489; Hsu US6665979; Schiman US6688035; Miller et al. US5189831; Dowd et al. US5452520; Chu et al. US5992087; Wotton US6138402; Soller US6189259; Dickson et al. US6216384; Plato et al. US6430868; MacMenigall GB2274969A; Cardinet US1634; Steck et al. US4452006.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



blg

Bethany L. Griles
Examiner
Art Unit 3643



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600